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BY THE HOUSE OF DELEGATES,

MARCH 4, 1870.

Read a first time and ordered to be printed.

By order,

MILTON Y. KIDD,
Chief Clerk.

R E P O R T

OF THE

COMMISSIONER

OF THE

LAND OFFICE

TO THE

GENERAL ASSEMBLY OF MARYLAND.

ANNAPOLIS:

WILLIAM THOMPSON OF R., STATE PRINTER.

1870.

[Document H]

BY THE HOUSE OF DELEGATES

MARCH 1, 1876

Read a resolution adopted by the House

Resolved

Resolved

Resolved

REPORT

COMMISSIONER

LAND OFFICE

GENERAL AGENT OF LANDS

WASHINGTON

WILLIAMSON & COMPANY, PRINTERS

1876

REPORT.

To the Honorable F. C. Latrobe,

Speaker of the House of Delegates :

The Commissioner of the Land Office would respectfully represent, that he was appointed Commissioner of the Land Office, and qualified the 8th day of February, 1870; that upon entering upon his office, he at once proceeded to inform himself upon the duties which were imposed upon him by its acceptance. That he found that a large amount of business had accumulated, occasioned perhaps by the ill health of his predecessor, and that since he has been in office, he has been engaged, and is still engaged, in bringing up the business which had been suffered to accumulate.

That section 4, Article 7, of the Constitution says: "There shall be a Commissioner of the Land Office, and that he shall perform such duties as are now required by the Commissioner of the Land Office, or such as may be hereafter required by law." Article 54, pages 370, 371, 372, 373, 374, 375 and 376, give a general outline of the duties of the office, but by no means so specific an idea as will enable the Commissioner to apprehend all the duties and responsibilities of the office.

The Land Office of Maryland was created in the year 1860. It contains the original grants of all the lands of the State. I advert to the antiquity of the office, being within a decade of two centuries, so that the General Assembly may see from the antiquity of some of the records, the necessity of their being transcribed, if the Legislature desires their preservation.

The Commissioner has been made aware that laws have been passed at different times to quiet possessions; yet he is also aware, notwithstanding the enactment of the various laws to quiet possessions, that no action of ejectment has ever occurred in Maryland, in which it has not been necessary to obtain copies of original papers, only to be found in the Land Office, and of which the Commissioner, by the Constitution and the different Acts of Assembly, is made the custodian.

The county of Allegany, the frontier county of the State, but one among the richest and most populous, is especially, interested in the office. The most important cases that are litigated in that county, as I am informed, are ejectment

causes, in every one of which, it is absolutely necessary to refer to this office, where, only, evidence of title can be found.

A book called the Land-holder's Assistant, which was prepared by Mr. Kilty, the Register of the Land Office, in the year 1808, is the only book ever published. It has been used as a guide and text-book since its publication in 1808, for every succeeding Register and Commissioner.

The Commissioner would respectfully suggest, that since 1808, there have been radical changes in the laws and rules of the Land Office, and that a digest might be made of the legislation and decisions made since 1808, containing the laws and rules of the Land Office, at this time, which would be of material service to those interested in the office.

The Commissioner would, respectfully, submit that a Joint Committee of the Senate and House be appointed to examine the condition of the office, and report what legislation they may deem necessary.

Which is respectfully submitted,

W. R. HAYWARD,
Commissioners of Land Office.

